

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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STATE OF NEW YORK, et al.,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.
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: 19-CV-7777 (GBD) (OTW)
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ORDER

MAKE THE ROAD NEW YORK, et al.,

Plaintiffs,

-against-

KEN CUCCINELLI, et al.,

Defendants.
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: 19-CV-7993 (GBD) (OTW)
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ORDER

ONA T. WANG, United States Magistrate Judge:

The parties should be prepared to discuss the following issues at tomorrow's conference:

- (1) Defendants' motion to stay the July 29, 2020 injunction, ECF 197, and whether this is now moot in light of the Second Circuit opinion at ECF 212.
- (2) Equal protection discovery: The parties should be prepared for a **brief** oral argument and a ruling on the record. Supplemental briefing, if any, must be submitted by **12:00 p.m. tomorrow** in order to be considered, and should not simply restate arguments/authority that has already been submitted in this case or other cases outside of this district where courts have decided this exact issue.

Defendants, in particular, will be expected to specify whether and how their arguments will be substantially different from those put forth opposing equal protection discovery in those cases were this Court to allow further briefing. Any explanation for why this Court should rule differently from those courts must be supported by distinguishing case law from within this circuit.

Additionally, the Court has reviewed the parties' submissions regarding the privilege logs. Defendants are hereby **ORDERED** to cure the deficiencies identified by Plaintiffs and produce updated privilege logs to Plaintiffs by **October 2, 2020**. Parties are then directed to meet and confer and, by close of business **October 9, 2020**, submit a joint status letter addressing whether Plaintiffs will be disputing privilege designations and which privilege designations are still at issue. Parties may attach the updated privilege logs to aid the Court.

SO ORDERED.

Dated: September 29, 2020
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge